

### **DETAILED ACTION**

1. This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-14, as originally filed, are currently pending and have been considered below.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 5, 7, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 7 recites the limitation "said at least one visitor information" in Lines 14-15 of Claim 1 and Line 13 of Claim 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "said lead period" in Line 13 of Claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said selected duration ends" in Line 12. There is insufficient antecedent basis for this limitation in the claim.

The term "relative progress" in Claim 1 and 7 is a relative term, which renders the claim indefinite. The term "relative progress" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the

invention. The claim invention does not provide a standard to determine what amount of progress of the adjustable time lead period is indicated to a visitor.

The term "passage" in Claim 5 is a relative term, which renders the claim indefinite. The term "passage" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For examination purposes the term "passage" is considered to mean "access".

Claim 12 recites the limitation "said adjustable time lead period" in Line 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-8, 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over L. Vigil et al. (US 2001/0034654) in view of Witt (6,427,138).

**As per Claims 1 and 7**, L. Vigil et al. discloses providing at least one site accessible to at least one visitor ([0032] discloses presenting interactive advertisements to viewers wherein the ads are provided as a series of interstitials by the website); communicating to said at least one visitor that there is an availability of compensation, said availability of compensation associated with said at least one visitor accessing said

at least one site ([0074] discloses during the second portion of the ad, links offering the opportunity to enter to win a prize); providing an adjustable lead period, wherein said adjustable lead period comprises at least one requirement ([0074] discloses the lead period being the first portion of the ad where the viewer is required to watch the ad in order to receive information about the prize); initiating said adjustable lead period ([0073-0074] discloses the viewer selecting an ad and the first portion of the ad being displayed to the viewer); indicating to said at least one visitor that said adjustable lead period has been initiated ([0074] discloses indicating adjustable lead period has been initiated by displaying the ad); and initiating an availability period if said at least one requirement of said lead period is met, wherein said initiation of said availability period comprises indicating to said at least one visitor information sufficient to enable said at least one visitor to obtain said compensation ([0074] discloses displaying links offering the opportunity to enter to win a prize during the second portion of the ad).

However, L. Vigil et al. fails to explicitly disclose indicating a relative progress of said adjustable lead period.

Witt discloses a method for providing a countdown timer for specially priced items with the concept of with the concept of indicating to said at least one visitor a relative progress of said adjustable lead period (Col. 3, Lines 50-67, discloses providing a series of messages to inform the customer of the time remaining for the current sale price).

Therefore, from the teaching of Witt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for

interactive Internet advertising and e-commerce of L. Vigil et al. to include indicating a relative progress of said adjustable lead period as taught by Witt in order to inform the viewer of the impending prize availability and allow the viewer to plan ahead.

**As per Claim 2 and 8**, L. Vigil et al. discloses the claimed invention, as applied to Claims 1 and 7, above. However, L. Vigil et al. fails to explicitly disclose graphically representing the initiation and progress of the adjustable lead period.

Witt discloses a method for providing a countdown time for specially priced items with the concept of graphically representing that said adjustable lead period has been initiated and said relative progress of said adjustable lead period (Col. 3, Lines 50-67, discloses displaying to the customer the current unit price and providing a series of messages to inform the customer of the time remaining for the current price).

Therefore, from the teaching of Witt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for interactive Internet advertising and e-commerce of L. Vigil et al. to include graphically representing the initiation and progress of the adjustable lead period as taught by Witt in order to inform the viewer of the impending prize availability and allow the viewer to plan ahead.

**As per Claim 4 and 10**, L. Vigil et al. discloses prompting said at least one visitor for visitor information and using said visitor information to directed targeted messages to said visitor ([0069] discloses that if the viewer is not a registered viewer, the viewer is prompted to complete a registration form including at least the viewer's contact information. [0062] The information obtained from viewer may be used by the ad server

to target advertisements to viewers who are most likely to be interested in a particular product or service being offered).

**As per Claim 5**, L. Vigil et al. discloses a passage of an adjustable amount of time (Fig. 7a, discloses the ability to input an adjustable amount of time for then link to enter for a prize is available to the viewer).

**As per Claim 6**, L. Vigil et al. discloses at least one visitor entering a predetermined amount of visitor information ([0061] discloses during the registration process, the viewer is required to provide their name, street address, state, city, zip code, and phone number).

**As per Claims 11 and 12**, L. Vigil et al. discloses the claimed invention, as applied to Claims 1 and 2, above. However, L. Vigil et al. fails to explicitly disclose an adjustable lead period being adjusted while the adjustable lead period is in progress.

Witt discloses a method for providing a countdown time for specially priced items with the concept of the adjustable lead period being adjusted while said adjustable lead period is in progress (Col. 3, Lines 50-67, discloses the time remaining for items that are specifically priced being adjusted during the time period by providing multiple messages to customers as to the time remaining, such as a message stating 28 minutes remaining and then sending another message to the customer stating 15 minutes remaining).

Therefore, from the teaching of Witt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for interactive Internet advertising and e-commerce of L. Vigil et al. to include an adjustable

lead period being adjusted while the adjustable lead period is in progress as taught by Witt to inform the viewer of the time remaining to enter for the prize.

**As per Claim 13 and 14**, L. Vigil et al. discloses prompting said at least one visitor for visitor information and communicating to said at least one visitor selected information about said at least one requirement if said at least one visitor provides a predetermined amount of visitor information ([0069] discloses a registered viewer being prompted to log-in using a user ID and password and viewers identity being confirmed against registered viewer database in order to allow access of the ads available to the viewer).

6. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over L. Vigil et al. (US 2001/0034654) in view of Witt (6,427,138) as applied to Claims 1, 2, 7, and 8, and in further view of Scroggie et al. (6,185,541).

The L. Vigil et al. and Witt combination discloses the claimed invention, as applied to claims 1, 2, 7, and 8, above. However, the L. Vigil et al. and Witt combination fails to explicitly disclose directing said at least one visitor to make a phone call, send an electronic mail, visit a network site, or visit an off-line merchant.

Scroggie et al. discloses a method for delivering purchasing incentives through a computer network with the concept of directing said at least one visitor to make a phone call, send an electronic mail, visit another network site, or visit an off-line merchant to obtain said compensation (Col. 2, Lines 62-67; Col. 3, Lines 1-6, discloses transmitting an incentive token to the customer to bring to the store on a subsequent visit to receive

to the store of the merchant on a subsequent visit to receive the discount or other benefit defined by the incentive offer).

Therefore, from the teaching of Scroggie et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for interactive Internet advertising and e-commerce of the L. Vigil et al. and Witt combination to include directing said at least one visitor to make a phone call, send an electronic mail, visit a network site, or visit an off-line merchant as taught by Scroggie et al. in order to encourage participation by the viewers by providing incentives.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fonya Long whose telephone number is (571) 270-5096. The examiner can normally be reached on Mon/Fri [7:30am/5:00pm EST] with First Fri. Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571) 270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

/Lynda Jasmin/

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